

# Town of Strasburg

## **SPECIAL MESSAGE TO THE PUBLIC**

LIMITED IN PERSON ATTENDANCE WILL BE ALLOWED FOR THE JUNE 8<sup>th</sup>, 2021 MEETING. PLEASE UTILIZE OUR LIVESTREAM BY ACCESSING THE LINK BELOW

<https://www.strasburgva.com/bc/page/meetings>

To make public comment please submit to:  
[comment@strasburgva.com](mailto:comment@strasburgva.com)  
by 4:00 p.m., Tuesday, June 8<sup>th</sup>, 2021

## **Town Council Regular Meeting**

Strasburg Town Hall  
174 West King Street  
Strasburg, Virginia

Tuesday, June 8<sup>th</sup>, 2021  
Regular Meeting: 7:00 p.m.

### **Town Council Members:**

Brandy Hawkins Boies, Mayor  
Ken Cherrix  
Dane Hooser  
John Massoud  
Christie Monahan

Taralyn Nicholson  
Emily Reynolds  
Doreen Ricard  
Paul Weaver

### **Staff Contact:**

Jay McKinley, Interim Town Manager



# Preliminary Agenda

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**Call to Order** – Mayor Brandy Hawkins Boies

**Pledge of Allegiance** –

**Invocation** – Rev. Rob Lovett, pastor of Strasburg Christian Church

**Roll Call** – Amy Keller, Clerk of Council

## Introduction and Recognition of Visitors and Guests

- Marquetta Mitchell to speak on the significance of Juneteenth

## Mayor's Comments

## Citizen Comments

## Action Items:

### 1.) Approval of Minutes: May 11<sup>th</sup>, 2021 Town Council Regular Meeting

Description: Minutes of the May 11<sup>th</sup>, 2021 Town Council Regular Meeting.

Contact: Amy Keller, Clerk of Council

Support Materials: May 11<sup>th</sup>, 2021 Town Council Regular Meeting minutes

### 2.) FY2021 1% COLA

Description: Consideration of the deferred 1% cost of living increase for the FY21 budget year.

Staff Contact: Jay McKinley, Interim Town Manager

Angela Fletcher, Director of Finance

Support Materials: n/a

### 3.) Reimbursement Resolution

Description: Discussion on the adoption of a reimbursement resolution to fund Right-of-Way purchases.

Staff Contact: Jay McKinley, Interim Town Manager

Support Materials: Staff Memo

### 4.) Tree City USA-Tree Ordinance Changes

Description: Consideration of proposed language amending "Chapter 90- Vegetation Article II.- Trees and Shrubs in Public Grounds" (aka tree ordinance) for the purposes of achieving Tree City USA designation.

Staff Contact: Lee Pambid, Planning and Zoning Administrator

Support Materials: Draft language

### 5.) Strasburg Fire Department Lease

Description: Draft lease agreement for occupancy of 163 East King Street as proposed by the Fire Department Restructuring Committee.

Staff Contact: Jay McKinley, Interim Town Manager

Support Materials: Draft Agreement

## Reports

1. Town Officers
2. Standing Committees
3. Special Committees

## Unfinished or Old Business:

## New Business:

## Adjournment

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Amy Keller, Clerk of Council, at 540-465-9197 or [akeller@strasburgva.com](mailto:akeller@strasburgva.com). Three days notice is required.

**MINUTES OF THE STRASBURG TOWN COUNCIL MEETING HELD ON TUESDAY, MAY 11<sup>th</sup>, 2021, AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL AND VIA ZOOM.**

**Call to Order:**

**Mayor Boies** called the meeting to order.

**Pledge of Allegiance:** **Council Member** led all in the Pledge of Allegiance.

**Invocation:**

Mayor Boies introduced and welcomed **Rev. Zack Harris**, the new **Pastor of the St. Paul's Lutheran Church**.

**Roll Call:**

**ROLL Called with the following members present:** Mayor Boies, Vice Mayor Cherrix and Council Members Hooser, Massoud, Nicholson, Reynolds, Ricard, and Weaver. Absent:

**Introduction and Recognition of Visitors and Guests:**

**Mayor's Comments:**

**Mayor Boies** said that the week of May 9<sup>th</sup> – 15<sup>th</sup> is National Police Week. She read the history of this week and thanked **Chief Sager** and the department for all they do for our community. The Skyline Regional Criminal Justice Academy made a video to pay respect to those officers. **Mayor Boies** thanked **Jay McKinley** for serving as the Interim Town Manager. The position of Town Manager will be posted tomorrow in-line and in newspapers.

**Citizen Comments:**

**Action Items:**

**1.) Approval of Minutes: April 13<sup>th</sup>, 2021, Town Council Regular Meeting**

**The minutes of the April 13<sup>th</sup>, 2021 Regular Council Meeting were approved as presented.**

**2.) Strasburg Self-Storage Special Use Permit**

***Description:** Request for a special use permit for a self-storage facility consisting of a two-story building and 15 small buildings on a 12.107 acre site. The site is located along the north line of Borden Mowery Drive, approximately 1800' east of its intersection with John Marshall Highway (State Route 55), on Tax Map # 016 13 002. The site is zoned Business Park/ Limited Industrial (BP/LI).*

**Mayor Boies** said she has recused herself from this discussion and the vote as she helps to manage her parents' storage unit just outside of town and she feels it would be a conflict of interest. She thanked the Council Members for taking this so seriously and the time they have spent on this.

**P&Z Administrator Pambid** said this was discussed at the Work Session and a Public Hearing was held on this. He read the changes to the conditions. He said there were two unsigned letters received on this, but no other communications. The Planning Commission voted in favor of this application. He continued by saying that should a special use permit be granted, a site plan and

public hearing will need to be held by the Planning Commission.

**Council Member Massoud moved to deny the application for Strasburg Self-Storage Special Use Permit located on the north line of Borden Mowery Drive in the Strasburg Business Park; second by Council Member Monahan.**

*Discussion:*

**Council Member Massoud** said, “For the record, I want to state again that we should not be having this discussion. The fact is that by right the applicant should be able to put in the storage unit business, and that should be the end of the discussion. However, because of the UDO, which most everyone can agree is a monstrosity, we are here discussing something which we should not have to discuss. This land is zoned as BPLI, which means Business Park Light Industrial. When I inquired what BPLI means, after some prodding, BPLI means pretty much anything other than a storage facility.

It would behoove this Council and the Mayor if the Public Safety and Ordinance Committee started work on re-writing this thing sooner rather than later. One little suggestion is that we bring in real people with real experience to re-write the Ordinance. Maybe **Mr. Frank**, who has had some experience with how unwieldy the UDO is, would be glad to assist? Average Joe Citizen does not want to hear of anyone outside government writing laws, but the fact is that only people in private industry can explain what works best for all involved. Government lawyers sure cannot.

I went out last week and asked on social media the residents of Our Town as to whether or not they needed storage space, and to my shock, it seems that storage is something that people who are trying to purchase houses here in town say they need. **Abby Walters** of Abby Walters Realty was rather eloquent in how much space is needed. Storage space is something we need to maybe focus on here.

I also keep hearing about jobs and how this will not bring jobs to Strasburg. I made the snarky comment last week that with 12 acres and only four to six jobs, that gives us one job per two to three acres.

At the end of the day, all of life is a tradeoff. We do the best we can in circumstances. I tend to look at things at the bottom line, how much money comes in from an investment. We are spending hundreds of thousands of dollars on this Business Park, purchasing land to finish roads, and it seems that we are looking at getting only \$3,500 per annum in tax income. That does not cut it.

Again, by right we should not be discussing this issue. But, because the UDO and the bizarre way in which it was written, the UDO must be redone and in a manner which is business friendly. But, the fact is that like it or not, and I do not, there is a decision which must be made by this Council. It pains me to say this, but my vote on the Storage Facility must be a no because we cannot be telling the residents of Strasburg that we want to spend hundreds of thousands of their hard earned dollars just to get \$3,500 per year in return and almost no jobs.”

**Vice Mayor Cherrix** asked if **Council Member Massoud** believes as he does that this should be done by right, how can he move to not do this. **Vice Mayor Cherrix** said something is better than nothing, and it might spur more growth. **Council Member Massoud** said there might be something in the works that Council does not know about, and **Vice Mayor Cherrix** countered that there might be nothing in the works that we do not know about. We are playing a game with something people have told **Council Member Massoud** is needed. **Council Member Massoud** said he will not say to people that we are spending \$500,000 of your dollars and you will get your money back in 20 years.

**Vice Mayor Cherrix** said we get money on water and sewer. If the property only goes up a little, we will not get much out of it. We would have to get something in there that would raise the

property value at least 2000 percent. **Council Member Massoud** said we could bring in a machine shop that would bring in a lot more money. **Vice Mayor Cherrix** said all of that is a possibility. With the problems of the land, we might not find a company that would bring in this kind of money. **Council Member Massoud** said he has problems with what he is saying with the land having problems.

**Vice Mayor Cherrix** said we have a gigantic manufacturing facility that is sitting empty. Maybe we should try to fill this first before building something more. **Council Member Massoud** said he would want more than four to six jobs. **Vice Mayor Cherrix** said these sites in the business park are very small.

**Council Member Reynolds** said this is a tough decision. She has said that she is open to this special use permit and she thinks Strasburg would be lucky to have this and this site seems right. But, she has thought about this a lot and her understanding is that there is real potential for this area in the business park despite the site's deficiencies to generate revenues vastly greater than this SUP would allow, and for that reason she will be voting yes on the motion to deny the SUP.

**Council Member Monahan** said, "After much consideration, I cannot vote for the SUP for the storage units to be located within our business/industrial park. While this park has been in existence for many years, it was not until six years ago that the Town of Strasburg annexed the property and began investing in large scale plans to bring real revenue and living wage jobs to Strasburg. The reason this SUP is required is because this business does not meet the goals set forth for that business park. This is not a business unfriendly decision; this is a rational decision based on planning, organized and planned for the future of Strasburg. Sometimes you must say NO instead of looking for immediate gratification. If approved, we would have settled for roughly \$3,900 per year in tax revenue and four to six jobs. This does not justify spending of the \$1,500,000 of the taxpayers' money for the completion of the Borden-Mowery extension. If this SUP is approved, I feel that we as the Council will have shown that planning for the future of Strasburg is not necessarily a long-term priority. If we approve this SUP, I will be voting 'No' for our present budget because we can no longer justify the money expense in completing this project."

**Vice Mayor Cherrix** said he understands the Camoin Plan and the Comprehensive Plan, and he understands the needs of the citizens who elected them. If they ask for something, we maybe should give it to them. There is a lot more space in that park. He is looking at what citizens are saying, and he looked at some of our businesses that might need the climate controlled space. It might be only a handful of jobs, but he cannot discriminate against that. Right now, all we have is a wooded area and a business that is willing to come in. We already have the reputation of not being business friendly and the UDO has a lot to do with this. We are not talking about the entire business park. The road is going to get finished even if we do not put this in and we will still have to pay for it. He has been here for 11 years, and he does not know of any new businesses going in. He has heard there is another business going in the park and that would be great. We cannot live on secondhand shops and pizza places. We do not have information on what might be coming; we are only speculating.

**Council Member Monahan** said we have plenty of land zoned for this just outside of town. They seem like great businesspeople, but not in our business park. We have spent a lot of money on our park and Vice Mayor Cherrix said we are not spending any money on this. He said we are spending money on the industrial park regardless of this business coming in or not.

**Council Member Massoud** called for the question.

**The motion passed for denial of the SUP on a roll call vote with the following results:**

<b>Vice Mayor Cherrix</b>	<b>Nay</b>
<b>Council Member Hooser</b>	<b>Aye</b>
<b>Council Member Massoud</b>	<b>Aye</b>
<b>Council Member Monahan</b>	<b>Aye</b>
<b>Council Member Nicholson</b>	<b>Nay</b>
<b>Council Member Reynolds</b>	<b>Aye</b>
<b>Council Member Ricard</b>	<b>Aye</b>
<b>Council Member Weaver</b>	<b>Nay</b>

### 3.) FY2022 Proposed Budget

*Description: Adopt the FY2022 Budget, the proposed tax rates, and appropriate the necessary funds.*

**Interim Town Manager McKinley** said this budget was largely put together by former **Town Manager Pearson**, but he has reviewed it and is in favor of it.

**Council Member Nicholson** moved to adopt the **Fiscal Year 2022 Budget in the amount of \$17,421,296 and the Schedule of Fees, as proposed; second by Council Member Reynolds.**

#### *Discussion:*

**Council Member Massoud** read a prepared statement. "For the record, it must be stated that there are good things about this budget. Among them is the fact that taxes will not increase, and the fact is that the monthly water fees will not increase. But, there are some issues with this budget which I cannot agree with, and thus, I cannot and will not support this budget.

First off is the position of Assistant Town Manager. Quite frankly, I have no issue with adding the position, but the timing is off. It is a difficult thing to add another high paying position when so many are still in economic recovery from what COVID has done to the region. To those who say that we need this position to find a good applicant, I would say that if the applicant is right for the job, he or she will do the job with or without an Assistant Town Manager and then likely come back and ask for the position next year, when I would be more likely to support this, of whenever our Governor decides to get his foot off the neck of the State economy.

Of similar importance is the \$3.00 increase in the sewer fees per month. After doing some research and finding out that our sewer fund reserve has gone from a bit over \$2 million to now about \$1.150 million, the fact is that we do need to raise revenue, aka raise the sewer fee. My issue is, and there is no getting around this fact, that the issues with the Water and Sewer Funds have everything to do with mistakes the Town made 15-20 years ago, and the Town residents should not have to pay for the mistakes made by the government. I understand why others will vote for this budget and will not blame them. But as a matter of conscience, I cannot and will not vote to raise fees on our people who did nothing to deserve this and are blameless in the matter. But, the fact remains that the Sewer Fund balance keeps dropping and sooner or later we will need to address this fact.

With that being said, my vote on this budget must be a No."

**Vice Mayor Cherrix** echoed the comments of **Council Member Massoud**. He has said at other meetings, we may very well need the position of assistant town manager or economic developer, but as of right now, we do not even have a town manager, and he thinks they need to get their feet wet and see if they need one or a different position. This can be taken out now and talked about in the next budget process. This is the only caveat that he has on this. He understands the sewer fees and that we are paying for the sins of the past, but he cannot not vote in favor with the assistant town manager position.

**Council Member Nicholson** said she will not support this. The position is a no for now. We need to wait and get the town manager and see if that is where we need to be. She is against the administrative fee as we have some things in this budget which will help with the deficit, and we need to see how it will work.

**Mayor Boies** said this is her first budget cycle and she is a little thrown off. She felt that we were all on the same page and that all understood we would wait to hire an assistant town manager until the new town manager comes on. She wanted to make sure all understood that an assistant town manager would not be hired, considered, or even thought about until we get a new town manager. She said she just wanted to point this out in case it was forgotten or not even realized. This was stated very clearly in the minutes. She admitted she is learning, but she thought that if there was this concern, this would have been worked out in the Work Session. We still do not plan to consider an assistant town manager.

**Council Member Massoud** said **Mayor Boies** is mostly correct. He thinks we need an assistant town manager, but he thinks it is better to wait until the virus has passed and the economy is back.

**Vice Mayor Cherrix** said what he got from the last meeting was we are not going to hire anybody, but let's put the money in the budget. We are going to start the process over in January, hopefully, with the new town manager so let them get their feet wet and see what they need. This is not a no for the position, but a no for now. We can put it back in next year's budget, but for now, we can use the money on something else that we need more or get something else done.

**Mayor Boies** said if it is in the budget, and we do not hire the assistant, we can reallocate, and it was said that is correct. She said it is not money we are flushing away; it can be reallocated if the position is not hired. This is a safety net.

**Council Member Nicholson** said we can reallocate the position and we can wait on the other things to see how they work in regards to the \$3 administrative fee. She has had a lot of concerns with how we are handling the positions.

**Council Member Monahan** said she remembers that former **Town Manager Pearson** was putting the money in there so the next town manager would not have to come and ask for the money for an assistant.

**Council Member Reynolds** will vote to approve. She is in favor of funding the assistant town manager now so that it can be hired when it is most needed. She said former **Town Manager Pearson** explained how his salary could be reallocated to help with the deficit in the sewer fund. Maybe there would be a way to equalize it, so it feels better for the town. She would like to have this discussion in a future Finance and Personnel Committee meeting.

**Council Member Hooser** said the new staff positions make all the sense in the world. The assistant makes sense. There are good things in the budget, but he does not think it does enough to address the budget crisis.

**Town Attorney Miller** said if the budget is denied (not approved), it would have to be taken back to the committees for the issues to be addressed. A budget must be approved by June 30.

**The results of a roll call vote were as follows:**

<b>Council Member Nicholson</b>	<b>Nay</b>
<b>Council Member Weaver</b>	<b>Aye</b>
<b>Council Member Massoud</b>	<b>Nay</b>
<b>Council Member Ricard</b>	<b>Aye</b>
<b>Vice Mayor Cherrix</b>	<b>Nay</b>
<b>Council Member Hooser</b>	<b>Nay</b>
<b>Council Member Reynolds</b>	<b>Aye</b>
<b>Council Member Monahan</b>	<b>Aye</b>

**To break the tie, Mayor Boies voted yes for the budget as she thinks work has been done for months. She hopes that next year that we will have a budget that all will be happy with. She feels this falls on her.**

**Council Member Massoud** said the process was very functional and went well.

**Mayor Boies** said next year the goal is to have a budget that all like.

**Vice Mayor Cherrix** said he raised questions and he felt that he was being brushed to the side because he was in the minority, and he has felt this way on other issues.

**Council Member Massoud** said this year, Council got the chance to get in the weeds. Everyone got to speak. You will never get things that they all like.

**Council Member Nicholson** thanked all for the time they put into this. All were heard and this has not happened in the past. We were able to do our own research and make our statements.

**Council Member Nicholson moved to adopt the Town of Strasburg Proposed Taxes FY2022; second by Council Member Massoud.**

**With no discussion, the motion passed with the following results:**

<b>Council Member Reynolds</b>	<b>Aye</b>
<b>Council Member Hooser</b>	<b>Nay</b>
<b>Council Member Monahan</b>	<b>Aye</b>
<b>Council Member Massoud</b>	<b>Aye</b>
<b>Council Member Ricard</b>	<b>Aye</b>
<b>Vice Mayor Cherrix</b>	<b>Aye</b>
<b>Council Member Weaver</b>	<b>Aye</b>
<b>Council Member Nicholson</b>	<b>Aye</b>

**Council Member Nicholson moved to appropriate the General Fund monies in the amount of \$9,459,384, the Water Fund monies of \$3,905,102, the Sewer Fund monies of \$3,614,544, and the Trash Fund monies of \$442,266 for a total of \$17,421,296; second by Council Member Reynolds.**

**With no discussion, the motion passed with the following results:**

<b>Council Member Hooser</b>	<b>Aye</b>
<b>Vice Mayor Cherrix</b>	<b>Nay</b>
<b>Council Member Monahan</b>	<b>Aye</b>
<b>Council Member Massoud</b>	<b>Nay</b>

<b>Council Member Reynolds</b>	<b>Aye</b>
<b>Council Member Nicholson</b>	<b>Aye</b>
<b>Council Member Weaver</b>	<b>Aye</b>
<b>Council Member Ricard</b>	<b>Aye</b>

**Town Officer Reports:**

***Interim Town Manager McKinley:*** Staff has been focusing on maintaining daily activities. He is starting to set up staff meetings. Staff is getting a lot of information on the American Rescue Plan. The main concern now is the State of Emergency as far as the gas shortage. Gas pumps are going dry in the area. Staff has been instructed to not use any additional fuel until we know what is going on. A 500 gallon tank will be delivered to Public Works for use in an emergency. We are putting measures in place to handle this.

**Mayor Boies** said the message to get out to the public is to not panic. Fuel should be coming out at the end of the week or early next week.

***Town Attorney Miller:*** Stated the General Assembly has decided all municipalities should have elections in November. He is working on an ordinance and a public hearing will need to be held on this.

***Interim Director of Public Works Heishman:*** Reported the Water Plant produced 19.4 4MG and is running at 26 percent capacity. The Wastewater Treatment Plant treated 34.11 MG and ran at 57 percent capacity.

Lantz Construction continues work on Phase III of the Streetscape Project. LCW continues work on sidewalk subgrade replacement and underdrain installation. Unsuitable materials are still being encountered. The original cost was estimated at \$17,000, but the actual charge to date is \$43,000. This expense will still be within the contingency allotment for the project. LCW has worked on new water main installation and are working on existing water service upgrades.

During the past month, Public Works cleared four sewer backups; repaired three water leaks; and handled 43 meter service requests and replace 43 meters.

**Mayor Boies** thanked **Mr. Heishman** for stepping into this role of Interim Director of Public Works during this time of transition.

***Director of Finance Fletcher:*** Reported staff is beginning to prepare for our year-end closing and annual audit. Preparations continue for the first-half of Real and Personal Property tax billing. Staff is currently scheduling for the tax data conversion and we anticipate bills being mailed no later than Monday, May 24<sup>th</sup> with a due date of June 7<sup>th</sup>.

We continue to partner with Dollar Energy and have awarded 10 grants to citizens totaling \$9,867.24 through the DHCD COVID 19 Municipal Utility Relief Program.

***Clerk of Council Keller:*** Required COIA training will be taking place this year. Clerk of Council Keller will be providing information on this in the near future.

***Chief Sager:*** The department answered 1,116 calls for service during the month of April resulting in no juvenile charges and 25 traffic violations. Narcan was administered for two cases and three doses were used.

On April 24, the department hosted the Drug Take-Back event at Town Hall. We are awaiting the final numbers on the weight collected.

On May 4 and May 6, the department had firearms training.

Chief Sager reported he has been working with the Virginia Department of Health to assist with mobile COVID vaccine opportunities for our homebound residents.

**Council Member Massoud** thanked all the officers for keeping the town safe. The video produced by the academy was very touching.

**Council Member Massoud** said likes the monthly reports in the NVDaily and has not seen anything in several weeks and asked if there is a problem. **Chief Sager** is not aware of any problems and will follow-up on this.

**Chief Sager** said **Council Member Massoud** had asked for more information in the reports and asked if he was providing enough; **Council Member Massoud** said it was sufficient.

**Mayor Boies** thanked the department for the hard work in finding the juvenile that was found safe today.

**Planning and Zoning Administrator P&Z Administrator Pambid:** Eighteen zoning permits were issued during the past month: six duplexes, eight additions/accessory, tow signs, and one ARB major modification. The total cost of all these projects is estimated at \$926,482 and the estimated total for the fiscal year stands at \$10,889,059.

Work by the NSVRC is progressing on the Short-Term Rentals (STR) ordinance, which will clarify where and how short-term rentals are permitted, licensed, and taxed. As previously mentioned, the Town planning and NSVRC staffs will conduct two public meetings, Wednesday, May 12<sup>th</sup>, and Wednesday, May 19<sup>th</sup>, both from 6pm-8pm in the Town Hall and on Zoom to receive comment on the proposed STR ordinance. Work by the Berkley Group is progressing on amendments to certain parts of the UDO (use matrices, bonding, and subdivision requirements). The time frame for public hearings range between June and August.

The BZA did not meet in March. The ARB met on Thursday, April 22, 2021 and heard one case for a major modification and received updates from the staff. The Planning Commission met on Tuesday, April 27<sup>th</sup>, 2021 and recommended to the Town Council approval of a self-storage facility SUP (SUP2021-02- voted 4-1, 1 abstention, 1 absent) and the 2026 Capital Improvement Plan (unanimous 6-0). It also reviewed and approved the bond amount for the first section of townhomes at Summit Crossing (unanimous 6-0).

The BZA is not scheduled to meet this month. The staff has received an application for April ARB (major modification for roof alteration in downtown). No applications have been received requiring Planning Commission review/ recommendation/ decision.

**Vice Mayor Cherrix** said with the bonding completed with Summit Crossing, are they ready to go or is there another step. **P&Z Administrator Pambid** said a review will be done by legal and then staff will do construction plans review. They need to get an inspection of the infrastructure already in the ground. This will determine how large the bond instrument will need to be. The Public Works staff will also be in attendance for the inspection.

**Interim Community Development Director Hilton:** Applications are open for the Shenandoah County Small Business COVID-19 Recovery Assistance Grant – Round 5. Qualifying businesses can receive a maximum of \$15,000 to reimburse expenses for rent/mortgage relief or reopening expenses. The committee continues to meet weekly to approve funding. So far, 20 Strasburg businesses have applied and received funding totaling \$243,750

Planning for the 250<sup>th</sup> Sestercentennial for Shenandoah County is well underway for 2022. A website has been developed and each locality has joined into the partnership.

The Business Directory is currently being uploaded onto the website and will include approximately 500 businesses with a Strasburg business license.

Strasburg's Mother's Day Market will be on Saturday, May 8<sup>th</sup> from 9-1PM. There are more than 25 vendors signed up, live music, and a partnership with the Strasburg Farmers Market.

The monthly segment on The River 95.3 showcasing local businesses, Strolling Strasburg, will be highlighting the Farmers Market and its full-time membership, along with our volunteer Market Manager. They will also be going LIVE at the event.

The Visitor Center welcomed an average of 16 visitors per day, coming from 16 other states, and totaling 493. From Virginia, there were 55 visitors (with 32 being from Strasburg). 15 percent of visitors toured the museum, and merchandise sales totaled \$1,209.

Mickael Broth, the Night Owl sculpturist, funded through the Creative Communities Partnership Grant, has toured the downtown Strasburg Square and is currently creating his first draft sketch.

The 2021 Event Season has been announced. Event rack cards will be delivered to at least 50 local businesses, added to the website, and promoted on all social media platforms.

The Earth Day Workday at the Visitor Center was a success! Fifteen volunteers joined forces to: repaint the front door and shutters, plant flowers, install new signage, install a butterfly backdrop, picnic tables, replace old debris and create an office workspace, and count inventory.

The Master Park Plan Implementation Team continues to move forward on multiple projects including:

- Swing set installation is still set for June. We will be hosting a 'Sno-cones + Swing Sets' celebration once they are installed.
- Placing new mulch at the playground (and removing all pea gravel) along with adding ADA accessible pathways. Engineered wood carpet has been ordered for install.
- Partnering with Strasburg Rotary to apply for grant funding for pavilion improvements and ADA sensory equipment.

Prior to the May monthly update, please note Opening Day for the Town Pool: Friday, May 28<sup>th</sup>. Kiwanis may be hosting an after-school pool party for the community on May 27<sup>th</sup> from 6-8PM.

Strasburg's Adult Kickball League has entered the promotion phase! It will 'kick' off on June 6<sup>th</sup>! Games will be held, on Sunday afternoons, for six weeks at the tee-ball field. We are searching for six teams made up of 8-10 players and charging \$50 per team as a first-year incentive.

The Town will be partnering with Ina Rae Crisman, a long-time supporter and very experienced aquatic instructor, to begin swimming lessons, to work closely with the Swim Team, and offer additional support to the parks and recreation staff.

To round out the April update, on Arbor Day, we hosted **Larry Haun's** dedication in the Strasburg Square. His bronze plaque was installed by Public Works and **Interim Community Development Director Hilton** thanked those who came and **Mayor Boies** for opening the dedication.

**Council Member Weaver** attended the Farmer's Market and it was a positive experience. He thanked all for this.

**Mayor Boies** said this is a great place to chat with citizens and vendors.

**Vice Mayor Cherrix** said with the Governor's release on Friday, have we thought anymore of the 4<sup>th</sup> of July. **Interim Community Development Director Hilton** said they will be working with the Chamber on the Mayfest Celebration.

**Council Member Nicholson** said the festivities will be with the Shenandoah County Chamber; who thought of this? **Mayor Boies** said the actual Mayfest is being organized by the Strasburg Business Alliance and it will be much like previous Mayfest events. Sunday will be reserved for just the fireworks. This will help with resources, and it had nothing to do with COVID.

**Vice Mayor Cherrix** said since this is only on Friday and Saturday, why can't we have something in the park so it would be a full weekend for all? **Mayor Boies** said this could be added to the Recreation/Parks/Trails Committee agenda.

**Mayor Boies** said **Jenna French**, Shenandoah County Director of Tourism and Economic Development, has put together a Business Park flier and she will email this to all. She would like this to be added to the town's website.

**Standing Committee Reports:**

**Finance and Personnel Committee:** no report

**Infrastructure Committee:** no report

**Recreation/Parks/Trails Committee:** **Vice Mayor Cherrix** said the committee met and talked about the Night Owl Sculpture. The signs have been ordered that were approved by the committee. The committee has put a pause on the 24-hour opening of the park. Also discussed were the swing sets and **Vice Mayor Cherrix** presented some walkways that would be ADA accessible. Bathrooms have been put on the committee's radar, and a discussion was held on this. The Master Park Plan was discussed, and the next meeting might find them shifting things around.

**Chief Sager** met with Virasec on the installation of cameras at the pool to increase security. It was a minimal cost. **Interim Town Manager McKinley** has tasked him with pricing on additional lighting at the park.

**Public Safety and Ordinance Committee:** **Chairperson Reynolds** said the committee discussed the fence project at the Town Hall parking lot which the committee supported unanimously. They were provided an update on the hybrid model of take home vehicles. Staff will try to make this work the best it can for the department. An update on the tree ordinance was given and approved by the committee.

The sign ordinance was briefly discussed and the committee suggested moving forward with some changes. **Chairperson Reynolds** reached out to **Council Member Hooser** and **Council Member Ricard** who had brought this up and they gave her ideas on what can be looked at. This is on hold due to short-staff.

**Special Committee Reports:**

**Planning Commission:** **Council Member Reynolds** had nothing to add to **P&Z Administrator Pambid's** report.

**Northern Shenandoah Valley Regional Commission:** **Council Member Weaver** said the group did not meet. The next meeting is June 17<sup>th</sup> with the topic of federal relief funds.

**Council Member Monahan** asked **Town Attorney Miller** if Council actually passed the budget;

she read from the Town Code. **Town Attorney Miller** said the super majority is needed for an increase to tax rates; the rest of the other votes are by majority vote.

**Outreach Council: No report**

**Old/Unfinished Business:**

- ***Juneteenth***

**Council Member Reynolds** said Juneteenth was added as a state holiday last year in Virginia and that decision was made just before the holiday so Council did not have time to meet and discuss how the town might want to mark the occasion.

**Council Member Reynolds** moved that the Council for the Town of Strasburg modify the Personnel Policies to allow for Friday, June 18<sup>th</sup>, to be an employee holiday for this year, 2021, only in observance of Juneteenth, celebrated every June 19<sup>th</sup>, to commemorate the end of slavery in the United States; second by Council Member Weaver.

***Discussion:***

**Council Member Massoud** asked if this was for one time only and **Council Member Reynolds** said the motion is only for this year and does not involve any floater days. **Mayor Boies** said future discussions will be moved to the committee level to look at holidays more extensively and to take a look at everything.

**Council Member Nicholson** said this was discussed at length. The minutes said we were going to have speakers in the Town Square and that was it. **Mayor Boies** said the plans are to still do a resolution and have someone speak at the June Council meeting. She said Council Member Reynolds is making this motion for this year only and it will go to the committee level for discussion for future years.

**Council Member Massoud** said he written a resolution for Juneteenth and has provided this to all of Council.

**Vice Mayor Cherrix** said he thought we were okay with just having the resolution and not the day off. He thought there was something else we would have to do for this.

**Mayor Boies** said **Council Member Reynolds** has done research on how this has been done in the past and was part of the Council who gave July 5<sup>th</sup> off.

**Council Member Reynolds** said July 5<sup>th</sup>, 2019 was an unofficial Council vote; the majority thought this was what they wanted to do. December 23, 2019 was a motion made by then **Vice Mayor Terndrup**. **Vice Mayor Terndrup** was serving as the mayor during the July 5<sup>th</sup> decision, and it is usually the Mayor's prerogative to add holidays which she said she had forgotten so she had asked for **Mayor Boies'** permission to bring this forth.

**Vice Mayor Cherrix** said he could not remember how this was done in the past, but he is not keen on giving the day off. There are other days national holidays we can give the days off for and he does not want to get in the habit of starting something like that.

**Mayor Boies** said Juneteenth falls on a Saturday this yeas so the motion is to give our employees June 18<sup>th</sup> off.

**The results of a roll call vote were as follows:**

<b>Council Member Weaver</b>	<b>Aye</b>
<b>Council Member Ricard</b>	<b>Nay</b>
<b>Council Member Reynolds</b>	<b>Aye</b>
<b>Council Member Nicholson</b>	<b>Nay</b>
<b>Council Member Monahan</b>	<b>Aye</b>
<b>Council Member Massoud</b>	<b>Nay</b>
<b>Council Member Hooser</b>	<b>Aye</b>
<b>Vice Mayor Cherrix</b>	<b>Nay</b>

As the results ended in a tie, **Mayor Boies said she is voting Yes on this.** She has heard statements by Council Member Reynolds of why she brought this forward and also the comments that we never heard of this before so why we are doing this now and that is just what we are trying to do - bring recognition to this. We had not heard of this, so we are trying to bring light to this and it is an important day and for this year only, she voted yes and hopes employees will take that day and reflect on what Juneteenth actually is and the importance of it and enjoy time with families and appreciate all of our freedoms.

**Vice Mayor Cherrix** said, “As a side note on that, if we are going to do this, we should also give September 22, August 1, April 6<sup>th</sup>, and November 1<sup>st</sup> at the same time as they are all the same dates that mean the same thing.” **Mayor Boies** thanked him for his comments and said that as **Council Member Reynolds** did, these dates could be brought forward to the Finance and Personnel Committee.

**New Business:**

**Mayor Boies** said she and Chief Sager will be hosting a Community Forum on June 7<sup>th</sup> with the topic of discussion being speeding. They will be hosting this just before the Work Session, tentatively 5:30 – 6:30 p.m.

**Mayor Boies** said she met two individuals from Strausbourg France who will be coming to visit the town on June 6<sup>th</sup> with a group of others now living in the Northern Virginia area, but from France. They want to learn more about Strasburg, VA. We will host a lunch and encourage them to visit the businesses. Council is invited to attend and she will send out additional information.

**Being no further business, the meeting adjourned at 8:46 p.m.**



## Memorandum

To: Mayor Boies and Strasburg Town Council  
From: Interim Town Manager, Jay McKinley  
Date: 05/27/2021  
Re: Borden Mowery Road Extension Project

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BotkinRose, our bond counsel for the Borden Mowery Road Extension Project, is recommending that a Reimbursement Resolution be adopted by Council. As we continue to work on Right-of-Way (ROW) acquisition, it became clear that funds would need to be expended for ROW purchases prior to obtaining funding for the total project. Adopting a Reimbursement Resolution allows the Town to commit funds now (purchase needed ROW) but get reimbursed once a funding mechanism is selected. The \$3,000,000 amount is an overestimate to ensure that the project is covered and in no way obligates the Town to spend that amount.

Staff recommends approval of the Reimbursement Resolution at the June 8<sup>th</sup> Town Council meeting. A copy of the Reimbursement Resolution is included for discussion at the June 1<sup>st</sup> Town Council Work Session.



**RESOLUTION TO DECLARE AN INTENT TO REIMBURSE  
(Borden Mowery Project)**

**WHEREAS**, the Town of Strasburg, Virginia (the “Town”), is a public body politic and corporate and political subdivision duly created and validly existing under the laws of the Commonwealth of Virginia; and

**WHEREAS**, the Town has determined that it is essential to finance all or any portion of the costs to (a) acquire, construct, reconstruct, expand, and equip a portion of the Town’s roads and its water system and related facilities, including an extension of Borden Mowery Drive, and (b) pay costs of issuance in connection with any financing(s) of such undertakings (collectively, the “Project”); and

**WHEREAS**, the Town reasonably anticipates to obtain long-term financing for all or any portion of the costs of the Project through the Town’s participation in the pooled bond program offered from time to time by Virginia Resources Authority (“VRA”) or tax-exempt financing(s), as may be necessary or convenient, in one or more financings (the “Obligations”), and accordingly, the Town shall comply with the provisions of the Internal Revenue Code of 1986, as amended, so that interest on any bonds or notes issued by the Town, or VRA on behalf of the Town, proceeds of which are used to fund a loan to the Town, will remain excludible from gross income for federal income tax purposes in accordance with law; and

**WHEREAS**, the Town now desires to declare its intent to use all or any portion of the proceeds of one or more Obligations to be issued, in one or more series, to reimburse certain expenditures in connection with the Project, among other things, all as required by federal tax laws, including Treasury Regulations § 1.150-2 in the Internal Revenue Code of 1986, as amended, all as further described below.



**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN, as follows:**

1. The Town Council of the Town (the "Town Council") hereby declares its intent and reasonable expectations for the Town to reimburse itself for costs and expenses relating to the Project with a portion of the proceeds of one or more Obligations. Accordingly, this Resolution shall constitute a declaration of "official intent" under Treasury Regulations § 1.150-2, and the Town may be reimbursed, if and when any Obligations shall be issued by the Town, to the extent permitted by law.

2. It is to be understood that such prior expenditures by the Town in connection with the Project will constitute capital expenditures (or would do so with a proper election under general federal income tax principles) or will otherwise comply with the requirements of Treasury Regulations § 1.150-2(d)(3).

3. The Town has paid or caused to be paid, beginning no earlier than sixty (60) days prior to adoption and effective date hereof, and will pay or cause to be paid, on and after such effective date hereof, certain expenditures (the "Expenditures") in connection with the Project. Further, it has been determined that those moneys previously advanced no earlier than sixty (60) days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures related to the Project are available only for a temporary period and it is necessary to reimburse the Town for the Expenditures from the proceeds of one or more issues of Obligations. Accordingly, the Town Council hereby declares its intent to reimburse the Town with the proceeds of the Obligations for the Expenditures with respect to the Project made no earlier than sixty (60) days prior to the adoption of this Resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Obligations.

4. The Town will make, or cause to be made, a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than eighteen (18) months after the later of the date on which each Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which each Expenditure is paid. This declaration of intent to reimburse, as required by federal tax laws, shall take effect immediately.

5. The maximum principal amount of Obligations expected to be issued or incurred by the Town for the long-term funding of the Project is reasonably anticipated to be approximately \$3,000,000.



6. It is to be understood that no Obligations shall be issued, sold, or awarded by the Town unless and until the Town Council adopts an appropriate authorizing resolution and takes all other such further acts as may be required by law, in order for the Town to issue any long-term Obligations in connection with the Project.

ADOPTED this 8<sup>th</sup> day of June, 2021

**TOWN OF STRASBURG, VIRGINIA**

By: \_\_\_\_\_  
Brandy Hawkins Boies, Mayor  
Town of Strasburg, Virginia



### **CERTIFICATE OF VOTES**

The record of the roll-call vote by the members of the Town Council of the Town of Strasburg, Virginia on the foregoing Resolution, duly adopted by the Town Council upon a roll-call vote at its regular public meeting held on June 8, 2021, as follows:

<b><u>Name</u></b>	<b><u>Aye</u></b>	<b><u>Nay</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Brandy Hawkins Boies, Mayor				
Ken Cherrix, Vice Mayor				
Dane Hooser				
S. John Massoud				
Christie Monahan				
Taralyn Nicholson				
Emily Reynolds				
Doreen Ricard				
Paul Weaver				

Dated: June 8, 2021

By: \_\_\_\_\_  
Clerk of Town Council  
Town of Strasburg, Virginia

## **DRAFT**

**Presented at PS&O Committee 4/28/2021**

# **TREES AND SHRUBS IN PUBLIC GROUNDS ORDINANCE**

## **Chapter 90, Article II**

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### **DIVISION 1. - Generally**

#### **Section 90-31. Purpose.**

- A. To enhance the quality of life and the present and future health, safety, and welfare of all citizens, and to ensure proper planting and care of trees on public property, the Town Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property.
- B. The Town recognizes that its urban forest is a vital part of the community and wishes to ensure its citizens right to enjoy the many benefits provided by public trees while being protected from the attendant risks of personal injury and property damage. Accordingly, it is the purpose and intent of this ordinance to preserve and protect the public health safety and general welfare by regulating the planting, maintenance and removal of public trees and the removal or trimming of vegetation where a hazard exists; and it shall be the policy of the Town to:
  - 1. Establish and maintain maximum tree cover.
  - 2. Maintain trees in a healthy condition through good arboricultural practices.
  - 3. Establish and maintain trees at an optimal level of age and species.
  - 4. Promote conservation of tree resources.
  - 5. Select, situate, and maintain trees appropriately to maximize benefits and minimize hazard, nuisance, hardscape damage and maintenance costs.
  - 6. Centralize tree management under one person having the necessary expertise.
  - 7. Promote efficient and cost-effective management of the urban forest.
  - 8. Foster community support for a local urban forestry program and encourage good tree management on privately owned properties.

#### **Section 90-32. Definitions.**

As used in this Article, the following words and phrases shall have the meanings indicated:

*Damage* – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

*Landmark Tree*- trees that are designated depending on species rarity, old age, association with an historical event or person, abnormality, scenic enhancement, memorial, etc.

*Nuisance* – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety,

and welfare. This includes any nuisance as determined per Chapter 38, Article III, Sections 38-106, et seq. of the Town Code.

*Public green strip* – Any unpaved portion within a public street or alley right-of-way.

*Public property* – all grounds and rights-of-way (ROWs) owned or maintained by the Town.

*Public tree* – any tree or woody vegetation on Town-owned or Town-maintained property or rights-of-way.

*Top or Topping* – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

### **Section 90-33. Authority and power.**

- A. *Delegation of authority and responsibility.* The Town Manager and/or his designee, hereinafter referred to as the "Town", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, Town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. *Coordination among Town departments.* All Town departments will coordinate as necessary and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties.
- C. *Interference with council or agents.* It shall be unlawful for any person in any way to interfere or cause any person to interfere with the Town Council, its agents or employees while planting, spraying, removing, or caring for and protecting any tree or shrub in any street, park, public place or public grounds, or otherwise engaged in carrying out the execution or enforcement of this Ordinance.

### **Section 90-34. Tree planting and care standards.**

- A. *Standards.* All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- B. *Requirements of franchise utility companies.* The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- C. *Tree species list.* The preferred tree species list shall, at a minimum, include the plant list found in the Town Unified Development Ordinance. The Town may consider other species not found on the list if they can be demonstrated to be native and/ or non-invasive.
- D. *Planting distances.* The Town shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle

of a street intersection as defined by the Unified Development Ordinance or within ten (10) feet of a fire hydrant.

- E. *Planting trees under electric utility lines.* Only trees listed as Ornamental trees on the Town tree species list and those species included in applicable Virginia Cooperative Extension publications may be planted within 15 to 25 lateral feet of the center line of any overhead utility lines. The Town may require such plantings to be reviewed by the appropriate utility company.
- F. *Protection of public trees during construction.* Any person, firm, corporation, or Town department performing construction near any public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent damage.
- G. Trees that are to be saved or kept in construction projects shall be protected as follows:
  - 1. No grading shall be done within the tree's drip line.
  - 2. A temporary fence shall be constructed around the tree's drip line.
  - 3. No equipment or machinery shall work within the fenced area.
  - 4. No tools, equipment or supplies shall be stored inside the fenced area.
  - 5. Landmark trees shall be protected.
- H. The Town Manager or their designee shall establish criteria and take measures for the identification, cataloging, and protection of landmark trees on public property.

#### **Section 90-35. - Maintenance of open space.**

It shall be unlawful for any person to place or maintain in a street or public place or public grounds any stone, cement or other substance which shall impede the free entrance of water and air to the roots of any tree or shrub.

#### **Section 90-36. Prohibition against harming public trees.**

- A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Town Manager or designee.
- B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire or signs or any other object to any street, park, or public tree.
- C. It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical maybe exempted from this provision at the determination of the Town Manager or designee.

#### **Section 90-37. Adjacent owner responsibility.**

- A. No property owner shall allow a tree, or other plant growing on his or her property or within the adjacent public green strip area to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Town shall notify the property owner to

prune or remove the tree or vegetation. If the owner fails to comply with the notice, the Town may declare the condition a nuisance pursuant to Article III, Section 38-106, et seq. of the Town Code and undertake the necessary work and charge the cost to the property owner.

- B. Every owner of any tree overhanging any public place, street, or public right-of-way within the Town shall:
  - 1. Prune the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of fourteen feet (14') above the street surface or eight feet (8') above the sidewalk surface.
  - 2. Said owners shall remove all dead or diseased limbs which constitute a risk to public safety.

#### **Section 90-38. Certain trees declared a nuisance.**

Any tree, or limb thereof, on private property determined by the Town to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare may be declared a nuisance and the Town may require its treatment or removal.

#### **Section 90-39. Violations and penalty.**

- A. Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a civil violation and shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each offense.
- B. Any violations of this Ordinance shall be administered pursuant to Chapter 38, Article III: Nuisances, of the Code of the Town of Strasburg, Virginia.

#### **Section 90-40. Appeals.**

All appeals to a violation or determination of this Ordinance shall be heard pursuant to the nuisance appeals process specified in Sections 38-108 through 38-112 of the Code of the Town of Strasburg, Virginia.

#### **Section 90-41. References to other provisions of the Town Code.**

- A. Should any provision of this tree ordinance conflict with any provision contained in the Town Code or Unified Development Ordinance, the more stringent provision shall apply.
- B. Section 4.15.7, Street Trees, of the Unified Development Ordinance shall supplement this Tree Ordinance.

#### **Section 90-42. Severability**

Should any subsection, sentence, clause, provision, or part of this ordinance be held invalid for any reason, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

## **Sections 90-43 through 90-65. RESERVED**

### **DIVISION 2.- Permits**

#### **Section 90-66. - Issuance; expiration.**

All permits required in this division shall be issued from the town manager's office and shall expire at such time as may be designated therein.

(Code 1968, § 18-11; Code 1983, § 19-11)

#### **Section 90-67. - Planting tree or shrub.**

It shall be unlawful for any person to plant any tree or shrub in any town street, without first having obtained a written permit therefor from the town, setting forth the variety thereof and the location where the tree or shrub may be planted, and without in all respects complying with the conditions and terms of such permit.

(Code 1968, § 18-12; Code 1983, § 19-12)

#### **Section 90-68. - Spraying, trimming, removing.**

It shall be unlawful for any person, except such as may be working under the direction of the town council, to spray or otherwise treat, remove, destroy, break, cut or trim any living tree or shrub or any part thereof growing in any street, park, public place or public grounds, without first having obtained a written permit from the town.

(Code 1968, § 18-13; Code 1983, § 19-13)

#### **Section 90-69. - Fastening wires, other devices.**

It shall be unlawful for any person, without first having obtained a written permit from the town, to attach any wire, insulator, sign or any other device to any tree or shrub growing in any street, park, public place, or public grounds.

(Code 1968, § 18-15; Code 1983, § 19-15)

## **Agreement for Occupancy of 163 East King Street, Strasburg, VA**

This Agreement, effective as of the XX day of June 2021, is between the Town of Strasburg, Virginia (hereinafter referred to as "Town"), and the Strasburg Fire Department, Inc. (hereinafter referred to as "the Department" or "SFD") and pertains to the use of the facility at 163 East King Street, Strasburg, VA (hereinafter referred to as "the Facility").

WHEREAS, the Town and the Department are mutually committed to continuing its partnership in providing prompt, professional fire services to the persons living, working, and visiting locations within the Strasburg community and surrounding areas.

NOW THEREFORE, in consideration the premises and mutual promises contained herein, the parties hereto agree as follows:

### **FACILITY:**

The facility is located at 163 East King Street, Strasburg, VA. The Town grants permission to the Department to utilize the facility to operate a volunteer fire department. All existing and future contents and furnishings shall be the responsibility and ownership of the Department. The maintenance of the structure, and all fixtures, shall be the responsibility and ownership of the Town.

### **TERM:**

This agreement shall commence on July 1<sup>st</sup>, 2021 and shall continue until it is terminated in accordance with provisions for termination provided herein.

### **RENT:**

No rent shall be charged by the Town to the Department for their use of the facility under this Agreement.

### **ALTERATIONS AND EXPANSION:**

Any improvements to the facility that may be requested or recommended by the Department, will be communicated in writing to the Town Manager. Such improvements may be performed by the Town, at the discretion of the Town. While costs of improvements will generally be borne by the Town, nothing herein shall preclude the Town from requesting that the Department share the costs for improvements they have requested. The Town will solicit input from Department leadership for any improvements it seeks to make to the facility. The Department may make improvements to the facility at the Department's own expense, with written approval from the Town.

### **REPAIRS AND MAINTENANCE:**

The Town shall, at its sole expense, perform all repair and maintenance to the facility, and Town-owned fixtures and equipment. All requests for emergency and essential repairs shall be communicated to the Town Manager or designee.

The Town may seek reimbursement from the Department for the repair costs of any damage to the facility or Town Property caused by the Department or their agents, representatives, members or invitees, when said damage occurs as a result of negligence, recklessness, or an act committed with the willful intent to damage. Further, the Town may seek reimbursement from the Department when a pattern of repeated

damage is observed and documented that demonstrates said damage has been caused by carelessness or inattention.

#### **HOUSEKEEPING:**

The Department will be responsible for all cleaning of the facility as well as snow removal, lawn and grounds care, and trash removal. The Department shall perform routine daily housekeeping to ensure the cleanliness of the facility.

#### **UTILITIES:**

All utility costs associated with the Facility will be paid by the Town. The Town has the right, but not obligation to subtract said utility costs from the Department's annual donation. If requested, the Town will provide the Department any usage data regarding the utilities.

#### **CARE OF FACILITY:**

No waste shall be committed to the facility, and the Department covenants and agrees not to generate, store, place, install, dispose of or otherwise handle, at, on or in the facility, on the building or on the land, any "hazardous materials," "hazardous substances," "pollutants," or "toxic materials," as such terms are used in or defined under the Comprehensive Environmental Response, Compensation and Liability act of 1980, 42 U.S.C. §9601 et seq., as amended, and the Resource Conservation and Recovery Act of 1976, 42 U.S.C §6901 et seq., as amended, the Toxic Substance Control Act and any other law pertaining to hazardous materials now or hereafter in effect; any other substance, waste or material which is deemed hazardous, toxic, a pollutant or contaminant, under any law now or hereafter in effect; or any asbestos or asbestos-containing materials (all of the foregoing referred to herein as "Hazardous Substances"). Notwithstanding the foregoing, the Department may store and utilize such substance, otherwise characterized as a "Hazardous Substance" as may be necessary in providing fire and rescue services to the community provided that such substance is not released onto or into the facility and is stored in accordance with applicable standards.

#### **INSURANCE:**

The Department shall be responsible for carrying comprehensive liability insurance for events arising out of their occupancy of the facility, as well as motor vehicle liability insurance and property damage insurance for Department-owned contents, furnishings, appliances, apparatus, and equipment.

The Town shall be responsible for carrying comprehensive liability insurance and property insurance for the structure and fixtures under its ownership.

#### **TERMINATION:**

- a) This Agreement may be cancelled by the Town any time in its sole discretion. If the Department is dissolved, or otherwise ceases to exist, or fails to comply with the provisions herein if not corrected within thirty (30) days after receipt of written notice thereof, this agreement may be cancelled by the Town.
- b) Local governments of the Commonwealth of Virginia cannot expend funds unless appropriated by their governing body for the then current fiscal year. Therefore, notwithstanding any provision in this document to the contrary, if in any fiscal year the Town Council fails to appropriate funds

necessary for the continuance of this Occupancy Agreement, all obligations hereunder of both the Town and the Department shall automatically terminate.

- c) If this Agreement is terminated for any reason, the Department shall be allowed one-hundred twenty (120) days to vacate the structure after being provided written notice of termination.

**NOTICES:**

- a) All notices to the Town and the Department required or permitted under this agreement shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, to the following address:

**Town of Strasburg  
ATTN: Town Manager  
174 East King Street  
Strasburg, VA 22657**

**Strasburg Fire Department Inc.  
ATTN: SFD President  
163 East King Street  
Strasburg, VA 22657**

**BINDING EFFECT; AMENDMENTS:**

The covenants, agreements, and rights contained in this Agreement shall bind and inures to the respective heirs, personal representatives, successors and assigns of the Town and the Department. This agreement constitutes the entire, full and complete understanding and agreement between the Town and the Department, with respect to the occupancy of 163 East King Street, and all representations, statements, warranties, covenants, promises or agreement previously made or given by either party to the other are expressly merged into this Agreement and shall be null, void and without legal effect. Neither party, nor any agent of either party, has any authority to alter, amend or modify any of the terms of this Agreement, unless the amendment is in writing and executed by all parties to this Agreement with the same formality as this Agreement.

**ENFORCEABILITY:**

If any term or provision of this Agreement of the application thereof to any person, entity or circumstance shall, to any extent, be held invalid or unenforceable, the remaining terms and provision, and the application of such invalid or unenforceable term or provision to persons, entities and circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby. Each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

**COUNTERPARTS:**

Two (2) identical copies of this Agreement are being executed by the parties. Each copy shall have the force and effect of an original document.

**BINDING UPON SUCCESSORS:**

This Agreement shall be binding upon the parties and their successors in interest and permitted assigns. This Agreement may not be assigned and the use of the Facility may not be transferred by the Department.

**WHEREUPON THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE SIGNED BY THEIR AUTHORIZED REPRESENTATIVES AS FOLLOWS:**

Mayor of Strasburg, Virginia

By \_\_\_\_\_

Date \_\_\_\_\_

President of the Strasburg Fire Department, INC.

By \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_